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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			EXAMINER MURPHY, RHONDA L	
			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/000,409	Applicant(s) PENFIELD ET AL.	
	Examiner Rhonda Murphy	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the terms "may be" renders the claim limitation indefinite.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 2, 4 - 14, 32 - 33 and 35 - 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Dubois et al. (US 2002/0154646).

Regarding claims 1 and 32, Dubois teaches a system for improving communication between a switched network and a packet network, comprising: a signaling gateway for converting signaling in a first protocol to a second protocol, and from said second protocol to said first protocol (Fig. 2, DSP 90; page 5, paragraph 74; page 3, paragraph 37; shown in more detail in Fig. 6, 910; page 6, paragraph 80); at least one media

Art Unit: 2667

gateway for converting multimedia provided in a first format into a second format, and from said second format into said first format (Fig. 2, DSP 90; page 5, paragraph 74; page 3, paragraph 37; shown in more detail in Fig. 6, 920; page 6, paragraph 78); a session router for selecting at least one multimedia transmission route to a destination, said destination being specified by said switched network (Fig. 11, router 250); and a media router for guiding said multimedia to said destination after conversion by said media gateway (Fig. 1, router 27).

Regarding claims 2 and 33, Dubois teaches a first format as a time division multiplexing format (page 2, paragraph 34) and said second format as a real time protocol format (page 15, paragraph 166).

Regarding claims 4 and 35, Dubois teaches the first protocol as signaling system number seven (page 2, paragraph 34) and said second protocol as a session Internet protocol (page 2, paragraph 34).

Regarding claims 5 and 36, Dubois teaches the second protocol as real time protocol (page 15, paragraph 166).

Regarding claims 6 and 37, Dubois teaches packet network as an Internet protocol network (page 2, paragraph 34).

Regarding claims 7 and 38, Dubois teaches said switched network as a public switched telephone network (page 10, paragraph 120).

Regarding claims 8 and 39, Dubois teaches said first format as a time division multiplexing format (page 2, paragraph 34).

Regarding claims 9 and 40, Dubois teaches said second format as a real time protocol

Art Unit: 2667

Format (page 15, paragraph 166).

Regarding claims 10 and 41, Dubois teaches said switched network communicating with said signaling gateway via use of signaling system number seven (page 2, paragraph 34).

Regarding claims 11 and 42, Dubois teaches said signaling gateway comprising a memory that may be utilized for converting a received circuit identification code into a session description protocol header (page 14, paragraph 159).

Regarding claims 12 and 43, Dubois teaches said session description protocol header is utilized by said destination, located within said packet network, to direct data packets to said media gateway (page 7, paragraph 92; Furthermore, it is known in the art for description protocol headers to provide direct packets to a particular destination).

Regarding claims 13 and 44, Dubois teaches said session description protocol header comprising an Internet protocol address and port for said destination (page 7, paragraph 92; Furthermore, it is known in the art for description protocol headers to contain IP address and port information to provide destination information).

Regarding claim 14, Dubois teaches communication between said session router and said signaling gateway is performed via use of session Internet protocol signaling (page 10, paragraph 120).

3. Claims 15 – 20 and 28 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh et al. (US 2002/0159439).

Regarding claim 15, Marsh teaches a method for establishing a call from a switched network to a user agent within a packet network, comprising the steps of: transmitting

Art Unit: 2667

an initial address message from said switched network to a signaling gateway (Figs 7 and 8; page 5, paragraph 59; initial address message); converting at said signaling gateway said initial address message to a session Internet protocol invite message (page 5; paragraph 57; SIP invite message); transmitting said Internet protocol invite message to a session router (page 5; paragraph 57; sent directly to softswitch – which contains the router), which analyzes said Internet protocol invite message to determine a best route to said user agent (page 5, paragraph 57); and opening a media router address and port, within a media router, for multimedia transmission from said user agent to said switched network, as a result of a request from said session router (page 5, paragraph 59; port allocation information and other parameters specific to the call).

Regarding claim 16, Marsh teaches said switched network as a public switched telephone network (Fig. 7, PSTN 28).

Regarding claim 17, Marsh teaches said initial address message comprising a circuit identification code that identifies a bearer channel reserved by said switched network to communicate with said user agent (page 5, paragraph 59).

Regarding claim 18, Marsh teaches said initial address message comprising information regarding a calling party, a called party and a circuit identification code, wherein said information is converted by said signaling gateway to a from header, a to header, and a session description protocol header respectively (page 5, paragraphs 57, 59).

Regarding claim 19, Marsh teaches said session description protocol header comprising an Internet protocol address and port for said user agent to transmit

Art Unit: 2667

multimedia (page 5, paragraph 59; Furthermore, it is known in the art for description protocol headers to contain IP address and port information to provide destination information).

Regarding claim 20, Marsh teaches the steps of: transmitting said invite message from said session router to said user agent, wherein said invite message comprises said media router address and port (page 5, paragraph 57 and page 3, paragraph 39), and transmitting a circuit identification code that identifies a bearer channel reserved by said switched network to communicate with said user agent, thereby providing said user agent with the capability of communicating with said switched network (page 5, paragraph 59).

Regarding claim 28, Marsh teaches a method for establishing a call from a user agent to a switched network, the user agent initiating the call, the user agent being located within a packet network, the method comprising the steps of: transmitting an invite message from said user agent to a session router, wherein said session router is capable of selecting at least one multimedia transmission route to said user agent (Figs 7 and 8; page 5, paragraph 57), said invite message providing a from address and a destination address within said switched network (it is known in the art that invite messages contain source and destination addresses); transmitting an invite message to a signaling gateway identifying an Internet protocol address of said session router and said destination address within said switched network (page 5, paragraph 59), said signaling gateway being capable of converting signaling in a first protocol into a second protocol, and from said second protocol to said first protocol (page 5, paragraph 59);

Art Unit: 2667

transmitting a request for an address and port within said media router to be dedicated to transmission of said multimedia between said user agent and said switched network (page 3, paragraph 39); and binding an address and port within said media router for user agent multimedia transmission (page 2, paragraph 30).

Regarding claim 29, Marsh teaches said from address further comprises an Internet protocol address and port of said user agent (page 2, paragraph 27).

Regarding claim 30, Marsh teaches the step of allocating a circuit within a media gateway for use in transmitting multimedia between said user agent and said switched network (page 2, paragraphs 27, 30), said media gateway being capable of converting multimedia provided in a first format into a second format, and from said second format into said first format (page 2, paragraphs 27, 30).

Regarding claim 31, Marsh teaches said first protocol is signaling system number seven and said second protocol is session Internet protocol (page 2, paragraphs 23 and 24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubois et al. (US 2002/0154646).

Regarding claims 3 and 34, Dubois teaches a media gateway. Dubois fails to explicitly disclose the media gateway not determining the destination of said media.

However, Dubois discloses a network processor 812 determining the destination of said multimedia.

Therefore, it would have been obvious to one skilled in the art to conclude the media gateway does not determine the destination of the media, since the network processor performs this function.

6. Claims 21 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (US 2002/0159439).

Regarding claim 21, Marsh teaches the steps of: designating a user agent address and port within said user agent for receiving multimedia transmitted from said switched network (page 3, paragraph 39).

Marsh fails to explicitly disclose a designating a second address and second port for receiving said multimedia transmitted from said switched network; transmitting said second address and second port to said signaling gateway; and transmitting said second address and second port, and said user agent address and port, to said signaling gateway.

However, Marsh teaches the above limitation for a first address and port.

Given this, it would have been obvious to one skilled in the art to designate a second address and second port, for the purpose providing a secondary destination for the receipt of multimedia.

Regarding claim 22, Marsh teaches the steps of: transmitting said multimedia from said switched network to a media gateway (page 2, paragraph 27); converting said multimedia from a first format to a second format (format conversion in gateways is known in the art); and transmitting said multimedia to said user agent via said designated user agent address and port (page 2, paragraph 27).

Marsh fails to explicitly disclose transmitting said multimedia to said media router via said designated second address and second port.

However, it would have been obvious to include a second address and port for the purpose providing a secondary destination for the receipt of multimedia.

Regarding claim 23, Marsh teaches a method for discontinuing a connection between a user agent, located within a packet network, and a switched network, wherein said discontinuation is initiated by said user agent, comprising the steps of: requesting discontinuation of said connection to said switched network (page 2, paragraph 30), wherein said user agent request is transmitted to a session router, said session router being capable of selecting at least one multimedia transmission route to said user agent (page 3, paragraph 37-38); requesting discontinuation of said connection, wherein said session router request is transmitted to a media router (page 3, paragraph 43), said media router being capable of guiding multimedia to said user agent (page 3, paragraph 43).

Marsh fails to explicitly disclose unbinding at least one prior established address and port utilized for providing said connection between said user agent and said switched network.

However, since binding occurs during connection set-up, it would have been obvious for unbinding to occur when disconnecting, for the purpose of terminating the connection.

Regarding claim 24, Marsh teaches the step of transmitting said discontinuation to said switched network, which, in turn, releases a bearer channel utilized for providing said connection between said user agent and said switched network (page 5, paragraph 63).

Regarding claim 25, Marsh teaches discontinuing a connection between a user agent, located within a packet network, and a switched network, wherein said discontinuation is initiated by said switched network, comprising the steps of: requesting discontinuation of said connection between said user agent and said switched network (page 2, paragraph 30), wherein said switched network request is transmitted to a signaling gateway, said signaling gateway being capable of converting signaling in a first protocol into a second protocol, and from said second protocol to said first protocol (page 5, paragraph 65); requesting discontinuation of said connection, wherein said signaling gateway request is transmitted to a session router, said session router being capable of selecting at least one multimedia transmission route to said user agent (page 6, paragraph 67); requesting discontinuation of said connection, wherein said session router request is transmitted to a media router (page 6, paragraph 68), said media router being capable of guiding multimedia to said user agent (page 6, paragraph 68).

Marsh fails to explicitly disclose unbinding at least one prior established address and port utilized for providing said connection between said user agent and said switched network.

However, since binding occurs during connection set-up, it would have been obvious for unbinding to occur when disconnecting, for the purpose of terminating the connection.

Regarding claim 26, Marsh teaches first protocol is signaling system number seven and said second protocol is session Internet protocol (page 2, paragraphs 23 and 24).

Regarding claim 27, Marsh teaches a method for discontinuing a connection between a user agent, located within a packet network, and a switched network, wherein said discontinuation is initiated by a media router (page 3, paragraph 40), said media router being capable of guiding multimedia to said user agent, comprising the steps of: requesting discontinuation of said connection between said user agent and said switched network, wherein said media router request is transmitted to a session router, said session router being capable of selecting at least one multimedia transmission route to said user agent (page 6, paragraph 68).

Marsh fails to explicitly unbinding at least one prior established address and port utilized for providing said connection between said user agent and said switched network.

However, since binding occurs during connection set-up, it would have been obvious for unbinding to occur when disconnecting, and discontinuing signaling associated with communication between said switched network and said user agent for the purpose of terminating the connection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Sollee et al. (US 6,934,279) discloses controlling voice communication over a data network.

*Turner et al. (US 6,084,956) discloses SS7 mediation for data network call setup and services internetworking.

*McNiff et al. (US 6,807,150) discloses a system and method for controlling a telephony communication session.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/000,409
Art Unit: 2667

Page 13

Rhonda Murphy
Examiner
Art Unit 2667

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TECHNOLOGY CENTER 2600 6/3/05